IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.1229 OF 2002
IN
S.C.C.C. SUIT NO.6676 OF 1992

Sudhakar H. Belwalkar ..Applicant.

V/s.

Kantilal Lakhamsi Shah ..Respondent.

Mr.Y.R.Shah i/b. Harsha J. Purohit for applicant.
Mr.D.N. Hungund for respondent.

CORAM : ABHAY S.OKA, J.

DATED : 13th APRIL, 2007.

P.C. :-

Heard the advocates appearing for the parties. The learned advocate for the Applicant states that Revision Applicant has filed a suit being Suit No.2057 of 2004 in the City Civil Court at Mumbai for possession based on title. He prays that he may be permitted to withdraw this revision application as in view of section 6(4) of the Specific Relief Act, 1963, a suit for possession on title is maintainable notwithstanding the dismissal of the suit under section 6 of the said Act of 1963. He submits that the protection which was granted at the time of issuing Rule in this Revision application may be continued till final disposal of the said suit filed by the applicant.

He also prays for a direction of expeditious disposal of the suit. Learned advocate for the respondent has no objection for adopting the said course. Hence Civil Revision is disposed of by passing the following order.

i. Civil Revision is dismissed as withdrawn with liberty to the Applicant to prosecute the Suit No. 2057 of 2004 filed in the City Civil Court, Mumbai.

ii. The said suit shall be decided by the trial Court on its own merits.

iii. Till the disposal of the said suit, interim relief granted on 1st August, 2002 by this Court in this revision application will continue to operate.

iv. Hearing of the said Suit is expedited and the Trial Court shall decide the same on or before 31st March, 2008.

v. Writ to be sent forthwith.

(ABHAY S. OKA, J.)